

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

<p>Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)</p>		
<p>Applicant's or agent's file reference see form PCT/ISA/220</p>	<p>FOR FURTHER ACTION See paragraph 2 below</p>	
<p>International application No. PCT/IB2004/051201 ✓</p>	<p>International filing date (day/month/year) 13.07.2004 ✓</p>	<p>Priority date (day/month/year) 23.07.2003</p>
<p>International Patent Classification (IPC) or both national classification and IPC G06F7/58, H04B1/707</p>		
<p>Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V. ✓</p>		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/051201

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/051201

Box No. II Priority

1. The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-11
 No: Claims

Inventive step (IS) Yes: Claims 1-11
 No: Claims

Industrial applicability (IA) Yes: Claims 1-11
 No: Claims

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

Novelty and Inventiveness:

1. The following document is referred to in this communication:
D1 : US 2001/048380 A1 (CHOU PAUL L ET AL) 6 December 2001 (2001-12-06)
2. Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document):

A device arranged to compose basic-code vectors into a composite-code vector, the device comprising:

at least two weighted sum units, each weighted sum unit being arranged to provide an intermediate-code vector which is a weighted sum of a plurality of the basic-code vectors;

an add unit, the add unit being arranged to sum the intermediate-code vectors into the composite-code vector:

From this, the subject-matter of independent claims 1 and 11 differs in that:
The two sum units are weighted; and

The weighted sum units being under the control of a first and second configuration word, wherein the first and second configuration word are deployed to configure the operations performed by the weighted sum units.

- 2.1 The subject-matter of claim 1 and 11 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as:
to provide a flexible and configurable code generator irrespective of the CDMA standard adopted in transmit/receiver devices.

- 2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Although the problem to be solved is the same as depicted in D1, the apparatus

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/051201

has a different configuration.

2.3 Claims 2-10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Clarity:

3. The application does not meet the requirements of Article 6 PCT, because claims 1 and 11 are not clear.
- 3.1 It is clear from the description on pg. 2 lns. 25-26 that the following feature is essential to the definition of the invention:

The element of the configuration word representing the weighting factors **are used to select or deselect a basic-code vector.**

Since independent claims 1 and 11 do not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.